

**REMARKS**

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. After amending the claims as set forth above, claims 11-21 are now pending in this application.

Applicant wishes to thank the Examiner for the careful consideration given to the claims.

**Information Disclosure Statement**

French reference FR 1208367, listed as reference A9, on the information disclosure statement (IDS) filed on July 22, 2005, was not considered because “[t]he document was not forwarded from PCT.” (Page 2 of the Office Action.) It is respectfully submitted that a copy of this document should have been provided directly by WIPO under an exchange program between the PTO, the EPO, and the JPO. However, as a courtesy, a copy of FR 1208367 is being provided with this Amendment and Reply to expedite prosecution. It is respectfully requested that FR 1208367 be considered, and that a copy of the fully initialed and signed IDS accompany the next Office communication.

**35 U.S.C. 112**

Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph. Claims 1-10 have been canceled, which renders the rejection of these claims moot. The cancellation of claim 1-10 is not an admission on the part of the Applicant that the rejections have any merit. For at least these reasons, favorable reconsideration of the rejections is respectfully requested.

**Prior art rejections**

Claims 1, 3, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over JP 06-194082.

Claims 1, 3-4, and 6-9 are rejected under 35 U.S.C. 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over SU 1663370.

Claims 1 and 3-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over SU 1663370 and FR 2617583.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over any of the prior art references or combinations of references as applied to claim 1 above, and further in view of U.S. Patent 5,282,507 (“Tongu”) or U.S. Patent 3,734,177 (“Bellovary”) or U.S. Patent 3,331,435 (“Valyi”).

Claims 1-3 and 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combined teachings of Tongu and JP 06-194082.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over any of the prior art references or combinations of references as applied to claim 1 above, and further in view of Bellovary.

Claims 1-10 have been canceled, rendering these rejections moot. However, the cancellation of claim 1-10 is not an admission on the part of the Applicant that the rejections have any merit. For example, the use of Official Notice in relation to the use of conventional techniques of soldering is improper because no evidentiary support has been set forth by the PTO.<sup>1</sup>

For at least these reasons, favorable reconsideration of the rejections is respectfully requested.

#### Allowability of claims 11-21

Claim 11 recites, among other things, a heat exchanger comprising: a housing; a first set of flow ducts arranged in the housing for a gas to be cooled; a second set of flow ducts arranged in the housing for a coolant; coolant connections; an inlet diffuser; and an outlet diffuser. The first and second sets of flow ducts are formed by the housing and a metal strip formed into a meandering shape. The first set of flow ducts are led through tube bottoms at either end of each flow duct in the first set of flow ducts into the inlet diffuser and the outlet diffuser, respectively. The tube bottoms are embodied in combs with prongs. Each flow duct in the first set of flow ducts has a first cross sectional area of a first uniform width and each flow duct in the second set of flow ducts has a second cross sectional area of a second uniform width and the first cross sectional area is greater than the second cross sectional area. None of the cited prior art, alone or in combination, teaches or suggests this combination of features.

For instance, JP 06-194082, SU 1663370, FR 2617583, or any combination thereof fails to teach or suggest combs with prongs or the first cross sectional area of a first uniform width is greater than the second cross sectional area of a second uniform width.

None of Tongu, Bellovary, or Valyi cures the deficiencies of JP 06-194082, SU 1663370, FR 2617583, or any combination thereof because none of these references teaches

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<sup>1</sup> According to MPEP 2144.03, "[i]t is never appropriate to rely solely on 'common knowledge' in the art without evidentiary support in the record, as the principal evidence upon which a rejection was based. *Zurko*, 258 F.3d at 1385, 59 USPQ2d at 1697."

or suggests the first cross sectional area of a first uniform width is greater than the second cross sectional area of a second uniform width.

Furthermore, no combination of Tongu and JP 06-194082 teaches or suggests the first cross sectional area of a first uniform width is greater than the second cross sectional area of a second uniform width.

Also, Bellovary does not cure JP 06-194082, SU 1663370, FR 2617583, Tongu, Valyi or any combination thereof because none of these references teaches or suggests the first cross sectional area of a first uniform width is greater than the second cross sectional area of a second uniform width.

Accordingly, claim 11 is allowable over the prior art.

Claims 12-21 depend from and contain all the features of claim 11, and are allowable for the same reasons as claim 11, without regard to the further patentable features contained therein.

For at least these reasons, favorable reconsideration of the rejection is respectfully requested.

#### Conclusion

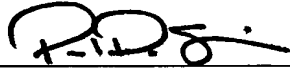
Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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